



MINISTRY OF
NATIVE AFFAIRS
ANNUAL REPORT
1988-1989



Province of British Columbia

British Columbia Cataloguing in Publication Data

British Columbia. Ministry of Native Affairs.
Annual Report. -- 1988/89-

Report year ends March 31.
ISSN 1180-1905

1. British Columbia. Ministry of Native Affairs.

E78 . B9B74 1990

354 . 711068484

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Minister of
Native Affairs

Parliament Buildings
Victoria
British Columbia
V8V 1X5



March 1, 1990

The Honourable David Lam
Lieutenant-Governor of the Province of British Columbia

May it please Your Honour:

The annual report of the Ministry of Native Affairs for
1988/89 is herewith respectfully submitted.

A handwritten signature in black ink, appearing to read 'Jack Weisgerber', with a long horizontal line extending to the right.

Jack Weisgerber
Minister of Native Affairs



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The Honourable Jack Weisgerber
Minister of Native Affairs

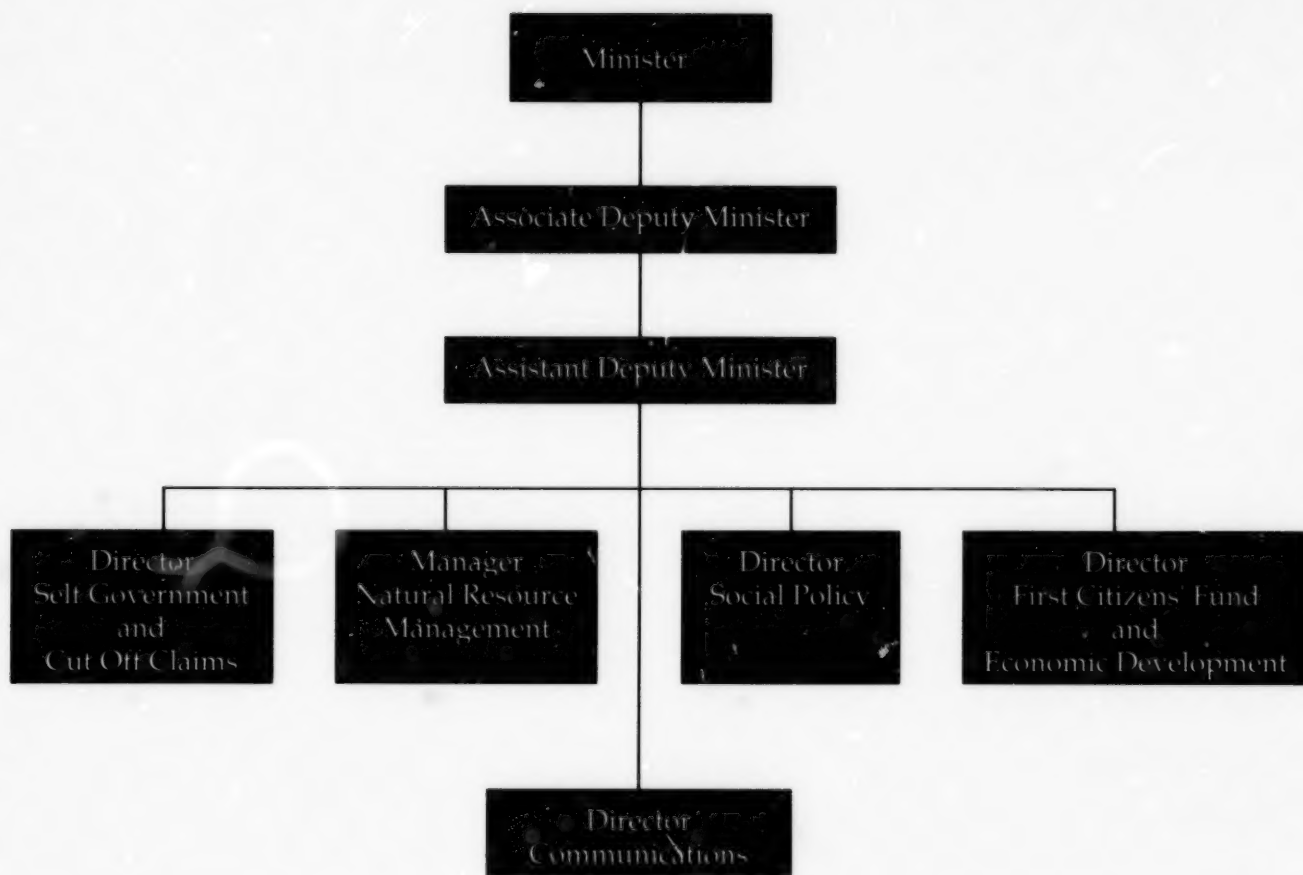
Sir:

I have the honour of submitting the annual report of the
Ministry of Native Affairs for 1988/89.

A handwritten signature in black ink, appearing to read 'Eric Denhoff', with a stylized flourish at the end.

Eric Denhoff
Deputy Minister

Organization Chart
MINISTRY OF NATIVE AFFAIRS
March 31, 1989





WHO WE ARE

BACKGROUND

The Native Affairs Secretariat was created at the premier's direction at the close of the 1986/87 fiscal year, under the responsibility of the Ministry of Intergovernmental Relations. The mandate of this ministry was reassigned at the close of 1987, and the minister concerned, the Honourable Stephen Rogers, retained responsibility for the secretariat in his new role as Minister of Transportation and Highways.

The Cabinet Committee on Native Affairs was also established at the Premier's direction as a focal point for bringing the concerns of Native people to the provincial government.

In July 1988, government restructuring reassigned the secretariat and the Honourable Jack Weisgerber assumed responsibility in his new role as Minister of State for Nechako and Northeast, Responsible for Native Affairs. At the same time, through an Order in Council, the Native Affairs Secretariat became the Ministry of Native Affairs.

MANDATE

The mandate of the Ministry of Native Affairs is to:

- establish ongoing consultative mechanisms with Native people and groups, local communities and the federal government with respect to Native affairs;
- provide interministerial and federal/provincial co-ordination on program issues related to Native concerns;
- negotiate self-government arrangements with Native communities;
- develop and recommend new provincial policies; and
- administer the First Citizens' Fund loan program.

In addition to providing direct support to the Cabinet Committee on Native Affairs, the ministry supports the minister's office and the ministers responsible for the five economic development regions with correspondence and briefing materials, advisory services and conflict resolution.

PHILOSOPHY

The Ministry of Native Affairs' policy and program development is guided by the following principles:

- All provincial government economic and social programs and services should support increased self-reliance and economic, social self-determination of Native peoples.
- All provincial government programs and services designed to meet specific Native needs should be developed in consultation with Native peoples.
- The provincial government should be creative and flexible in meeting the needs and desires of Native peoples to fully participate in British Columbia's society while maintaining their own culture and heritage.



WHAT WE DO

CLIENT GROUPS

The Ministry of Native Affairs serves three key client groups:

1. Native Peoples

The Ministry of Native Affairs works to bring Native issues forward to senior government decision-makers and to resolve areas of conflict between Native peoples, the private sector and government. In support of this role, the ministry maintains an extensive network of contacts with 29 tribal councils representing 198 Indian Bands in B.C. Workable solutions are sought through negotiations, information sharing and discussion with all parties concerned.

CURRENT SITUATION

2. British Columbia Government Ministries

The Ministry of Native Affairs has prime responsibilities for:

- Policy development
- Self-government
- Service delivery co-ordination
- Cut-off land claims, and
- First Citizens' Fund

In addition, it provides advice, information, policy and program leadership to ministries regarding Native needs and concerns in the areas of natural resource management, economic and social programs and policies. It also co-ordinates comprehensive briefing material on a ministry-wide basis.

3. Other Jurisdictions

The Ministry of Native Affairs serves to enhance the profile and co-ordination of Native issues within all three levels of government: federal, provincial and municipal.

The organization of the Ministry of Native Affairs consists of four key areas:

- Self-Government and Cut-Off Land Claims
- Social Policy
- Natural Resources, and
- Economic Development and the First Citizens' Fund

The long-term strategic priorities are:

- Develop policy directed toward the local autonomy of Native peoples and negotiate the settlement of 10 outstanding claims on reserve cut-off lands.
- Support the advancement and expansion of the culture, education and economic development of British Columbia's Native peoples.
- Encourage and support Native natural resource development opportunities.
- Co-ordinate Native business development opportunities in co-operation with Native and private-sector interests and develop and implement specific business opportunities and projects.
- Promote the delivery of meaningful and effective social programs and services by and for Native peoples.



WHAT WE'VE DONE

SELF-GOVERNMENT AND CUT-OFF LAND CLAIMS

Cut-off Claims

Seventy-five years ago, a five-member royal commission arbitrarily reduced the size and cut off land from 22 existing provincial Indian reserves. In an effort to redress this inequity, the provincial government since 1982 has entered into negotiations with the affected bands and the federal government to compensate the bands for their losses.

During 1988-89, several cut-off land claims were settled by this unit. In compensation for earlier loss of land, timber sales, leases and rights of way, 227.5 acres were returned and a payment of \$17,000 was given to the Alexandria Band. The province was also able to return all 4,003 acres to the Ulkatcho Band. Active negotiations with the Ohiaht Band regarding its claim, the most contentious and costly of the cut-off claims, were nearing settlement after seven years of difficult negotiations.

Land Issues

Pursuant to a Treasury Board mandate, this unit continued to play a leadership role in negotiations between the Ingenika Band, the federal and provincial governments and B.C. Hydro to address the land problems of the Ingenika following the 1968 flooding of their original reserve lands. The reserve land, to which the band had been relocated by the federal government, was unsuitable and the provincial crown land which the band had occupied at Williston Lake provided them with neither title nor reserve status.

In June 1987, Stephen Rogers, Minister Responsible for Native Affairs, made the first of two visits to the Ingenika settlement at the invitation of Carrier-Sekani Tribal Chief Ed John. While interim assistance was subsequently provided by the province to address the band's most urgent needs, it was also agreed that the underlying issue to be addressed was the need for an Ingenika land base within the band's traditional territory.

To that end, the province began leasing the occupied crown land to the band at a nominal rate, and urged the federal government to negotiate a transfer of crown land from the province as the first step to creating a new reserve for the Ingenika band. With continued effort of this unit, Treasury Board approval was obtained to negotiate a

complete settlement package with the band, the federal government and B.C. Hydro.

The unit also assisted in negotiations on various Indian land-related issues with the ministries of Highways, Forests and Crown Lands. Approval by this unit is required when Indian bands request additional reserve lands which are available through the Ministry of Crown Lands for community purposes such as housing, schools etc. As well, this unit works with the Ministry of Highways to help resolve longstanding road issues often involving roads or rights of way through reserve lands.

The unit was successful in bringing together provincial officials from the Ministries of Forests and Crown Lands and the Gsw'sala-nakwaxda'xw Indian Band near Port Hardy to resolve a 10 year conflict between the band's need for additional reserve lands and the Ministry of Forest's need for forest access.

Liaison

On behalf of the province, the unit took part in the establishment of the Interprovincial Committee on Native Affairs, a group of nationwide senior provincial representatives formed to collect data on funding Native-related programs and services. Self-government, land claims, economic development and potential federal cut-

back on funding are issues addressed by the committee.

Meetings were conducted with representatives of aboriginal groups who were promoting a return to constitutional discussions regarding entrenching aboriginal right to self-government. This unit helped draft the provincial policy and response to this issue.

As well, several representations to groups of mayors, municipal and regional officials were made on behalf of the province regarding implications of the Indian Act Amendment of June, 1988 which allows Native bands to tax non-Native occupiers of formerly surrendered lands.

ECONOMIC DEVELOPMENT/ FIRST CITIZENS' FUND

The First Citizens' Fund is a \$25 million special account established by the Government of British Columbia in 1969. Interest earned on the fund is committed to enhancing social, educational and economic development opportunities for aboriginal peoples living in B.C. Annual allotments are dedicated to a loan program, student bursaries and friendship centres.

Loan Program

In April 1988, Treasury Board authorized a new loan program with an annual budget of \$1 million. Loans are available for creation, expansion or upgrading of Native business initiatives. Although the program is open to all types of businesses, it does not provide financing for revolving lines of credit or refinancing of existing commercial enterprises.

Administered through the Delta Credit Union, 13 conditional approvals were granted to the end of the fiscal year representing a total commitment of \$771,000. Freight services, commercial fishing boats, warehouse construction, building improvements, a sawmill and a duty free shop are some of the business enterprises assisted by the loan program.

Major features of the program include:

- a deferred provincial contribution which extinguishes the balance of the loan once borrowers have successfully repaid 50 per cent of the principal plus interest; and
- a borrower's fee (two per cent of the loan principal) is collected from each borrower and pooled to purchase short-term advisory and business management support.

Student Bursaries

Approximately 80 incentive bursaries, to a maximum of \$2,000 per year, were granted to Native post-secondary students who were attending a British Columbia university or college on a full-time basis. Payments were disbursed only after verification that the students were registered in a minimum two-year academic program and had achieved an average of C+ or the equivalent.

Friendship Centres

Sustaining grants of up to \$20,000 each were provided to 21 Native friendship centres across the province for the specific function of assisting the centres with the costs of salary and benefits of their program directors. The monies were appropriated with the understanding that the directors develop and implement programs to assist Natives with the transition to urban living. Statistics regarding program activities are submitted routinely by the friendship centres. A \$37,500 grant was approved for the B.C. Association of Friendship Centres to provide liaison among the individual centres.

By fiscal year end, \$470,000 had been spent or allocated.

Advisory Committee

The First Citizens' Fund Advisory Committee advises the minister and cabinet of appropriate Native economic development strategies. The committee, consisting of eight Native business people from the province's eight development regions incurred travel expenses of \$18,780 for their series of meetings.

Other Economic Development Initiatives

This unit has worked actively to increase Native economic development opportunities by influencing policy and programs of other ministries, the federal government and the private sector.

An example of successful liaison with these different sectors is the co-ordinated negotiations that led to an agreement between the Tahltan Indians and the Golden Bear Operating Company. As a result, 20 of the 100 new jobs created were committed to the Tahltan people and the Tahltans were awarded the building and maintenance contracts for the mine access road.

SOCIAL POLICY

The function of the Social Policy Unit is to take a leadership role in assisting other ministries in ensuring that there are advising mechanisms in place to serve the needs of Native peoples. With the goal of fostering and improving the independence, self-reliance and quality of Native life, the unit worked extensively with the ministries of Education, Advanced Education, Health, Attorney-General and Labour.

Policies:

Alcohol and Drug: The Ministry of Native Affairs allocated an annual commitment of \$300,000 for off-reserve community awareness projects. Capped at \$25,000 each, all projects were geared toward prevention and education, usually taking the form of workshop presentations. As an example, \$30,000 was awarded the Tillicum House Friendship Centre to complete a fetal alcohol syndrome study with Native groups.

The unit also contributed to the alcohol and drug Lower Mainland Task Force on Native Substance Abuse, Prevention and Treatment sponsored by the Ministry of Labour and Consumer Services.

Culture and Heritage: The Native Heritage, Language and Culture Advisory Committee was established in September 1988 as a major initiative to

work with the Native community to find ways of ensuring the survival of culture and language of the First Peoples of this province.

This advisory committee, chaired by Parliamentary Secretary Cliff Serwa included five Native elders, four Native professionals and two private-sector representatives:

Chief Tom Greene
Chief Alfred Joseph
Chief Clarence T. (Manny) Jules
Dr. George Louie
Chief Joe Michell
Mr. Percy Paull
Ms. Sophie Pierre
Ms. Mary Thomas
Ms. Gloria Cranmer Webster
Dr. Thelma Sharp Cook
Mr. Mac Norris

The committee met frequently to discuss the full range of issues within its terms of reference. Recognizing the tremendous diversity of Native cultures throughout the province, it travelled to numerous locations including the K'san Native Cultural Centre near Hazelton, the Secwepemc Cultural Centre in Kamloops, the U'mista Centre in Alert Bay and the Woodland Cultural Centre in Ontario. Consultations with tribal councils and Native groups to examine the means of preserving Native languages consumed a \$50,000 budget allocation.

Thirteen recommendations were presented to cabinet for consideration.

Family Violence: An \$11,000 grant for a sexual abuse counselling pilot project was placed in consultation with the Ministry of Advanced Education.

Other: Under the aegis of the Ministry of Transportation, the Native Secretariat was assigned 14 full-time employees. The ministry prides itself in taking a proactive role in recruiting Native people for in-house employment. Of the 14 full-time employees, six were of Native ancestry.

The dramatic growth and response to a higher profile placed significant challenges on the ministry.

NATURAL RESOURCE MANAGEMENT

This unit develops the natural resource policy for the Cabinet Committee on Native Affairs and encourages and supports Native natural resource development opportunities with the view of facilitating conflict resolution. It also works with federal government agencies and Native groups to resolve specific issues in forestry, mining, fish and wildlife sectors by developing policies and strategies for co-operative resource management.

Programs:

- Prepared a cabinet submission for provincial participation in a federally initiated coastwide fisheries management process.
- Developed cabinet submission on a provincial position and negotiation strategy for the renegotiation of the Indian Reserves Mineral Resources Agreement.
- Developed with the Ministry of Environment fish and wildlife co-operative agreements, including Tlingit Wildlife Management Proposal.
- Co-ordinated the development of a Native Affairs strategy for the ministries of Crown Lands, Environment, Parks and Regional Development.
- Distributed bulletins to Native organizations on provincial initiatives in the areas of forestry, agriculture, fisheries, energy, mines and petroleum resources.
- Investigated and resolved numerous resource conflicts involving Native and non-Native groups, i.e. fish and wildlife disputes, road and bridge blockades and crown land infractions.
- Arranged and co-ordinated meetings between provincial resource

agencies, tribal councils and bands to discuss and resolve natural resource issues of mutual concern.

- Provided liaison role and information to resource developers seeking ways to involve Native people in mines, energy and land development projects.

COMMUNICATIONS

A small communications office for the Ministry of Native Affairs and Minister of State for Nechako and Northeast was established in November, 1988, to plan, implement and evaluate internal and external communications for the ministry.

One and a half professional positions and one half-time support position were allocated to communications.

The main focus in Native Affairs during the period November, 1988 to March, 1989 was on co-ordinating issue and briefing papers for internal and inter-ministry use; issuing news releases and preparing speeches on major developments such as First Citizen Fund project announcements, Off-Reserve Community Action and Awareness project announcements, and developments related to negotiation of new reserve lands for the Ingenika Indian Band; publishing a quarterly

newsletter on programs and issues for distribution to bands, tribal councils, government organizations and the public.

Communication activities were evaluated through regular consultation with other managers, tracking and analysis of regional and provincial media coverage, monitoring of existing public opinion research, and through regular staff contact with client groups.

News release coverage, particularly by the regional media, was extensive and response to the Ministry of Native Affairs' newsletter by client groups was favorable. More formal evaluation methods were planned for the next fiscal year.



APPENDIX

The Ministry of Native Affairs was constituted by the Order of the Lieutenant Governor in Council of July 6, 1988. The ministry administers the Indian Cut-off Lands Disputes Act and the First Citizens' Fund.

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

The Order in Council No. 1306 signed July 6, 1988 by Lieutenant Governor Robert S. Rogers, by and with the advice and consent of cabinet, orders that:

1. The Ministry of Native Affairs is established.
2. The purpose of the Ministry of Native Affairs is to
 - (a) develop policy related to various native issues,
 - (b) coordinate the interministry work on program issues related to native affairs,
 - (c) establish and maintain liaison with Indian groups, local communities and the Federal government respecting native affairs,
 - (d) administer the First Citizen's Fund Special Account, and
 - (e) administer other programs covered by Vote 68.
3. The Minister Responsible for Native Affairs is charged with the administration of the *First Citizens of British Columbia Act* and any previous order charging another member of the Executive Council with the administration of that Act is rescinded.
4. The unexpended balance of monies and other resources allocated by the Legislature for the duties, powers and functions referred to in this order and for the administration of the Act referred to in section 3 may be expended by the Minister Responsible for Native Affairs or Ministry of Native Affairs.

INDIAN CUT-OFF LANDS DISPUTES ACT

[Amendment not in force: 1983-20-26]

CHAPTER 50

Assented to July 23, 1982.

Interpretation

1. In this Act

"council of the band" has the same meaning as "council of the band" in the *Indian Act* (Canada);

"cut-off lands" means lands that had before 1916 been appropriated by the Province for the use and benefit of Indians but that, pursuant to the *Indian Affairs Settlement Act*, S.B.C. 1919, c. 32, the *British Columbia Indian Affairs Settlement Act*, S.C. 1920, c. 51, and the report of the Royal Commission on Indian Affairs in the Province of British Columbia of June 30, 1916, as approved by the Dominion Privy Council Order 1265 of July 19, 1924 and British Columbia Order in Council 911 of July 26, 1923, ceased to be so appropriated, but "cut-off lands" does not include any lands in the Railway Belt or Peace River Block;

"Indian Band" means a band as defined by the *Indian Act* (Canada).

1982-50-1; [amended 1983-20-26, not in force, amendment not included].

Agreements

2. Where, under an Act of Canada, express provision is made for either

- (a) an Indian Band, or
- (b) the council of an Indian band

to enter into an agreement for the purposes of resolving and extinguishing claims asserted by the Indian Band and the council of the band against the Province or against the Province and Canada in respect of cut-off lands and by that agreement to bind both

- (c) all present and future members of the Indian Band, and
- (d) the council of the Indian Band and its successors

the minister may enter into an agreement with the Indian Band, the council of the band, or both, and the government of Canada for the purposes of resolving and extinguishing the claims.

1982-50-2.

Provisions to be included

3. An agreement

- (a) may include provisions for a disposition of land under the *Land Act*, a transfer of land to Canada in accordance with section 4 or a payment of money, or all or any of them, by the Province in respect of the cut-off lands claims, and

- (b) shall include provisions for the release, discharge and extinguishment of all claims against the Province by present and future members of the Indian Band and by the council of the band and its successors in respect of cut-off lands.

1982-50-3.

Transfers of land

4. Where an agreement provides for a transfer of land to Canada, it shall be made by a transfer of administration, control and benefit of the land under section 27 of the *Land Act* for the use and benefit of the Indian Band, and shall be subject to

(a) the same exceptions and reservations as those contained in the Order of His Honour the Lieutenant Governor in Council, numbered 1036 of 1938, and

(b) any lease or other interest existing in the land at the date of transfer.

1982-50-4.

Money to be paid out of consolidated revenue fund

5. Where an agreement provides for the payment of money, the money shall be paid to Canada out of the consolidated revenue fund for the use and benefit of the Indian Band.

1982-50-5.

Ratification of agreements already made

6. The agreement entered into by the minister on February 12, 1982 with respect to the Penticton Band of Indians is, on the enactment by Canada of legislation that contains provisions which comply with section 2 and otherwise validates that agreement, ratified and confirmed.

1982-50-6.

Certified correct as amended in Committee of the Whole on the 10th day of May, 1988

MINISTER OF FINANCE AND
CORPORATE RELATIONS.

BILL 18 - 1988

SPECIAL ACCOUNTS APPROPRIATION AND CONTROL ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpretation

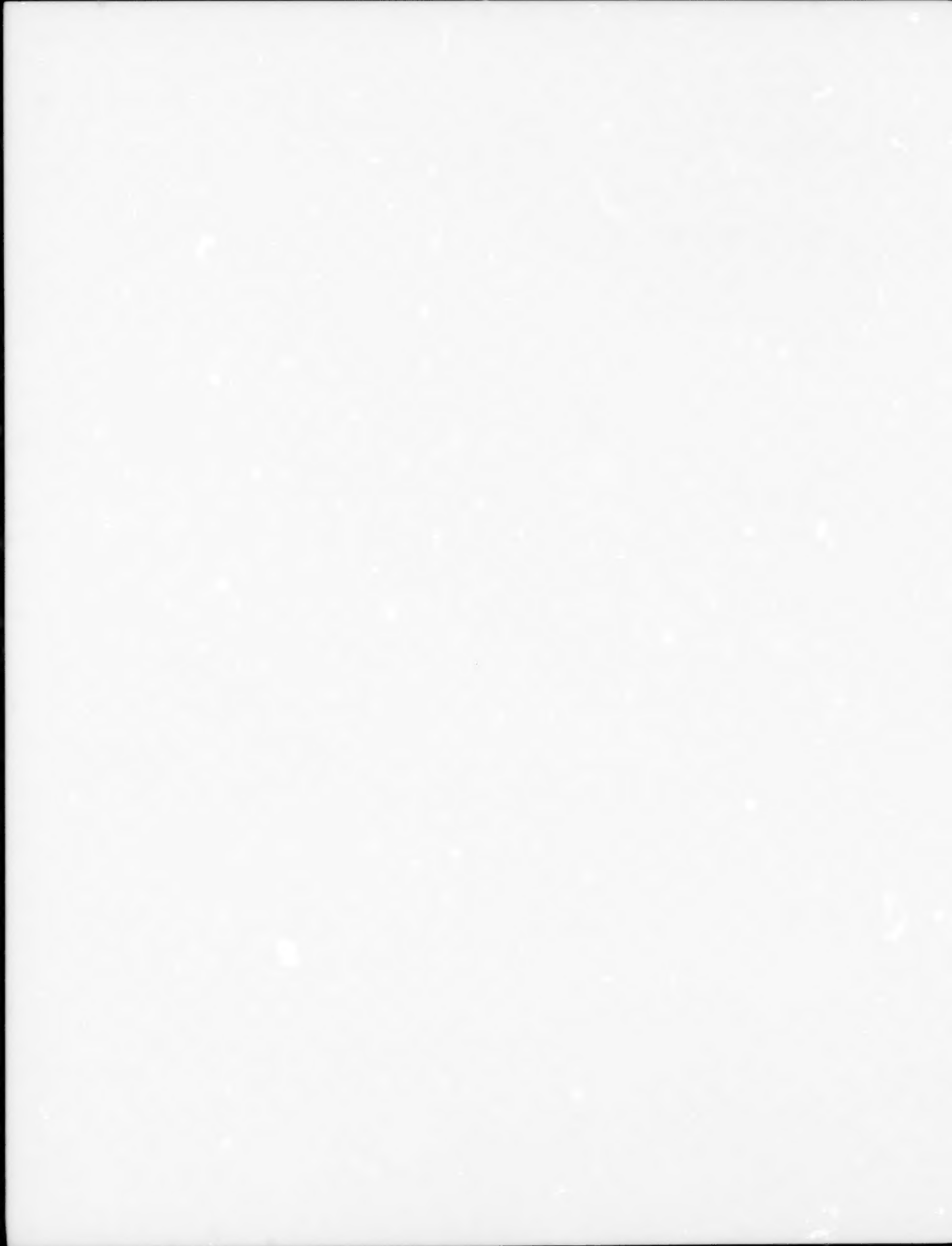
1. In this Act "special account" means an account in the general fund of the consolidated revenue fund where the authorization to expend money from the account is located in an Act other than a *Supply Act*.

Creation of special accounts from certain funds

2. On March 31, 1988 the assets and liabilities of the following funds are transferred to and become special accounts in the general fund of the consolidated revenue fund:
...First Citizens Fund...

First Citizens Fund

6. The Minister of Finance and Corporate Relations may pay or lend an amount equal to the interest calculated on and attributable to the balance in the First Citizens Fund special account for the purposes of advancing and expanding the culture, education and economic opportunities and the position of persons of the North American Indian race who were born in and are residents of the Province...



FINANCIAL STATEMENT

SUMMARY OF EXPENDITURE BY APPROPRIATION

Fiscal Year 1988 - 1989

Description	Total Appropriations			Actual
	Estimated	Other	Total	
Minister's Office				
• funding provided when Ministry was created, July 1988		\$150,500	\$150,500	\$137,017
Native Affairs				
• transferred from Ministry of Transportation and Highways	1,107,224	186,600*	1,293,824	1,257,851
Northeast Development Region				
• transferred from Ministry of Education	813,598		813,598	406,936
Nechako Development Region				
• transferred from Ministry of Transportation and Highways	576,987		576,987	282,514
Special Accounts				
• First Citizens' Fund	1,550,000	1,200,000	2,750,000	1,233,691
TOTAL	4,047,809	1,537,100	5,584,909	3,318,009

* additional funding for Associate Deputy Minister's office, July 1988